

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARGARITA ROSSY, as Administrator of the
ESTATE OF JOSE HERNANDEZ-ROSSY

Plaintiff,

-VS-

U.S. District Court
Case No.: 17-cv-0937s

Second Circuit Court of Appeals
Docket No. 23-7296

CITY OF BUFFALO, and its agents, servants and employees,
and BUFFALO POLICE DEPARTMENT P.O. JUSTIN TEDESCO,
BUFFALO POLICE DEPARTMENT P.O. JOSEPH ACQUINO, and
POLICE COMMISSIONER DANIEL DERENDA, Individually and in
Their representative capacities, and AMERICAN MEDICAL RESPONSE
d/b/a "AMR", and its agents, servants and employees.

Defendants.

On October 5, 2023, Defendants, City of Buffalo, Justin Tedesco, Joseph Acquino, and Daniel Derenda ("City Defendants-Appellants"), filed a notice of appeal [Dkt. 147] addressed to the Decision and Order [Dkt. 142] entered on September 5, 2023 in U.S. District Court. Pursuant to Second Circuit Local Rule 11.1(a), the City Defendants-Appellants hereby submit to the district clerk an index of the docket entries in this matter, and respectfully requests that the district clerk forward the index to the circuit clerk. These docket entries, and the original papers and exhibits filed in the district court, constitute the record on appeal. See Fed. R. App. P. 10(a).

Dated: November 14, 2023
Buffalo, New York

CAVETTE A. CHAMBERS, ESQ.
Corporation Counsel
/s/Robert E. Quinn
Robert E. Quinn
Assistant Corporation Counsel
1103 City Hall : 65 Niagara Sq.
Buffalo, New York 14202

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U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:17-cv-00937-WMS-HKS

Rossy v. City of Buffalo et al
Assigned to: Hon. William M. Skretny
Referred to: Hon. H. Kenneth Schroeder Jr.
Cause: 42:1983 Civil Rights Act

Date Filed: 09/19/2017
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Margarita Rossy
*as Administrator of the Estate of Jose
Hernandez-Rossy*

represented by **Nelson S. Torre**
438 Main Street
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

City of Buffalo
and its agents, servants and employees

represented by **David M. Lee**
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TERMINATED: 01/07/2022

Defendant

Justin Tedesco
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represented by **David M. Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Emmet Quinn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Maeve Eileen Huggins
(See above for address)
TERMINATED: 01/07/2022

Defendant

Joseph Acquino
Buffalo Police Department P.O.

represented by **David M. Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Emmet Quinn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Maeve Eileen Huggins
(See above for address)
TERMINATED: 01/07/2022

Defendant

Police Commissioner Daniel Derenda
Individually and in their representative capacities

represented by **David M. Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Emmet Quinn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Maeve Eileen Huggins
(See above for address)
TERMINATED: 01/07/2022

Defendant

American Medical Response
and its agents, servants and employees
doing business as
AMR

represented by **Derek Scott Andrews**
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ATTORNEY TO BE NOTICED

Cross Claimant

Joseph Acquino
Buffalo Police Department P.O.

represented by **Robert Emmet Quinn**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Maeve Eileen Huggins
(See above for address)
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represented by **Robert Emmet Quinn**
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Cross Claimant

City of Buffalo

and its agents, servants and employees

represented by **Robert Emmet Quinn**
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Cross Claimant

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V.

Cross Defendant

American Medical Response

and its agents, servants and employees

represented by **John J. Phelan , III**
(See above for address)
LEAD ATTORNEY
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TERMINATED: 01/07/2022

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*Individually and in their representative
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Maeve Eileen Huggins
 (See above for address)
TERMINATED: 01/07/2022

Date Filed	#	Docket Text
09/19/2017	1	COMPLAINT against Joseph Acquino, American Medical Response, Inc., City of Buffalo, Daniel Derenda, Justin Tedesco \$ 400 receipt number 0209-2893720, filed by Margarita Rossy. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit)(Torre, Nelson) (Entered: 09/19/2017)
09/21/2017		Case assigned to Hon. William M. Skretny. Notification to Chambers of on-line civil case opening. (SG) (Entered: 09/21/2017)
09/21/2017		AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution (SG) (Entered: 09/21/2017)
09/21/2017		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (SG) (Entered: 09/21/2017)
09/21/2017	2	Summons Issued as to Joseph Acquino, American Medical Response, City of Buffalo, Daniel Derenda, Justin Tedesco. (Attachments: # 1 summons issued, # 2 summons issued, # 3 summons issued, # 4 summons issued)(SG) (Entered: 09/21/2017)
10/12/2017	3	AFFIDAVIT of Service for Affidavit served on City of Buffalo on 9/29/17, filed by Margarita Rossy. (Torre, Nelson) (Entered: 10/12/2017)
10/12/2017	4	AFFIDAVIT of Service for Affidavit served on Justin Tedesco on 9/29/17, filed by Margarita Rossy. (Torre, Nelson) (Entered: 10/12/2017)
10/12/2017	5	AFFIDAVIT of Service for Affidavit served on Joseph Acquino on 9/29/17, filed by Margarita Rossy. (Torre, Nelson) (Entered: 10/12/2017)
10/12/2017	6	AFFIDAVIT of Service for Affidavit served on Daniel Derenda on 9/29/17, filed by Margarita Rossy. (Torre, Nelson) (Entered: 10/12/2017)
10/12/2017	7	AFFIDAVIT of Service for Affidavit served on American Medical Response on 10/5/17, filed by Margarita Rossy. (Torre, Nelson) (Entered: 10/12/2017)

10/19/2017	8	ANSWER to 1 Complaint, , CROSSCLAIM against American Medical Response by Joseph Acquino, Justin Tedesco, City of Buffalo, Daniel Derenda. (Attachments: # 1 Certificate of Service City Defendants Certificate of Service for Answer)(Huggins, Maeve) (Entered: 10/19/2017)
10/20/2017		ADR Plan electronically forwarded to attorneys. The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution .(SG) (Entered: 10/20/2017)
10/20/2017	9	<i>American Medical Resopnse</i> ANSWER to 1 Complaint, , First CROSSCLAIM against Joseph Acquino, City of Buffalo, Daniel Derenda, Justin Tedesco by American Medical Response.(Phelan, John) (Entered: 10/20/2017)
10/20/2017	10	NOTICE to Take Deposition of Margarita Rossy by American Medical Response.(Phelan, John) (Entered: 10/20/2017)
10/23/2017		E-Filing Notification: Pursuant to Local Rules, discovery should not be filed. No action required. 10 NOTICE to Take Deposition of Margarita Rossy by American Medical Response.(Phelan, John) (SG) (Entered: 10/23/2017)
10/31/2017	11	TEXT REFERRAL ORDER - Hon. H. Kenneth Schroeder, Jr., United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b) (1)(A), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall not hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), unless further ordered by this Court. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by United States District Judge William M. Skretny on 10/31/2017. (JCM) (Entered: 10/31/2017)
11/06/2017	12	ANSWER to 9 Answer to Complaint, Crossclaim by Joseph Acquino, City of Buffalo, Daniel Derenda, Justin Tedesco. (Attachments: # 1 Certificate of Service Certificate of Service for Answer to Crossclaim)(Huggins, Maeve) (Entered: 11/06/2017)
11/08/2017	13	<i>American Medical Response</i> ANSWER to 8 Answer to Complaint, Crossclaim,, , CROSSCLAIM against Joseph Acquino, City of Buffalo, Daniel Derenda, Justin Tedesco by American Medical Response.(Phelan, John) (Entered: 11/08/2017)
12/04/2017	14	ORDER regarding issuance of Case Management Order. Signed by Hon. H. Kenneth Schroeder Jr. on 12/4/17. (Attachments: # 1 Case Management Order Form, # 2 Consent Memorandum, # 3 Consent Form)(LMG) (Entered: 12/04/2017)
01/03/2018	15	CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Stipulation of Selection of Mediator due by 1/31/2018; Motions to Join Parties/Amend Pleadings due by 5/7/2018; First Mediation Session due by 5/15/2018; Plaintiff Expert Witness ID due by 7/20/2018; Defendant Expert Witness ID due by 8/20/2018; Discovery completed by 11/19/2018; Dispositive Motions due by

		1/17/2019. If no dispositive motions are filed, a Status Conference is set for 1/23/2019 at 10:00 AM before the Hon. H. Kenneth Schroeder Jr. Mediation To End by 2/22/2019. Signed by Hon. H. Kenneth Schroeder Jr. on 1/3/2018. (LMG) (Entered: 01/03/2018)
01/30/2018	16	Stipulation-Selection of Mediator by American Medical Response(Gaston, Tara) (Entered: 01/30/2018)
02/05/2018	17	RULE 26 DISCLOSURE by American Medical Response.(Phelan, John) (Entered: 02/05/2018)
02/06/2018		E-Filing Notification: Pursuant to Local Rules, discovery should not be filed. No action required. 17 RULE 26 DISCLOSURE by American Medical Response.(Phelan, John) (SG) (Entered: 02/06/2018)
05/08/2018	18	AMENDED CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Motions to Join Parties/Amend Pleadings due by 8/3/2018; First Mediation Session due by 8/17/2018; Plaintiff Expert Witness ID due by 10/19/2018; Defendant Expert Witness ID due by 11/16/2018; Discovery completed by 2/22/2019; Dispositive Motions due by 3/29/2019. If no Dispositive Motions are filed, a Status Conference is set for 4/3/2019 at 10:00 AM before the Hon. H. Kenneth Schroeder Jr. Mediation To End by 4/19/2019. Signed by Hon. H. Kenneth Schroeder Jr. on 5/8/2018. (LMG) (Entered: 05/08/2018)
05/09/2018	19	Mediation Certification by Michael Menard(AGB) (Entered: 05/09/2018)
05/09/2018	20	PLEASE DISREGARD THE FOLLOWING TEXT ORDER: TEXT ORDER re 18 Scheduling Order. The letter request to extend the scheduling order is hereby GRANTED. The deadlines are extended as follows: Expert depositions completed no later than 4/19/2019. Dispositive motions filed no later than 6/28/2019. Mediation session to continue until 7/12/2019. In the event that no dispositive motions are filed, a status conference is set for 7/9/2019 at 10:30 a.m. before the undersigned. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 5/9/2018. (HKG) (Entered: 05/09/2018)
05/09/2018	21	TEXT ORDER: The parties are hereby directed to disregard the Text Order at Dkt. #20 and are instead directed to proceed in accordance with the 18 Amended Case Management Order issued by the Court on 5/8/2018. SO ORDERED. Issued by the Hon. H. Kenneth Schroeder Jr. on 5/9/2018. (LMG) (Entered: 05/09/2018)
08/17/2018	22	MOTION for Extension of Time to Complete Discovery <i>and File Pretrial Dispositive Motions</i> by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Attachments: # 1 Declaration Declaration of Maeve Huggins, # 2 Certificate of Service Certificate of Service)(Huggins, Maeve) (Entered: 08/17/2018)
08/22/2018	23	TEXT ORDER granting 22 Motion for Extension of Time to Complete Discovery. Plaintiff Expert Witness ID now due by 1/18/2019; Defendant Expert Witness ID due by 2/15/2019; Discovery completed by 5/24/2019; Dispositive Motions due by 6/28/2019. If no dispositive motions are filed, a Status Conference is set for 7/10/2019 at 10:00 AM before the Hon. H. Kenneth Schroeder Jr. Mediation To End by 7/19/2019. Issued by Hon. H. Kenneth Schroeder Jr. on 8/22/2018. (HKG) (Entered: 08/22/2018)
08/22/2018		Set Deadlines/Hearings: Status Conference set for 7/10/2019 10:00 AM before Hon. H. Kenneth Schroeder Jr. (HKG) (Entered: 08/22/2018)

08/28/2018	24	Mediation Certification by Michael Menard(AGW) (Entered: 08/28/2018)
08/28/2018	25	NOTICE of Appearance by Derek Scott Andrews on behalf of American Medical Response (Andrews, Derek) (Entered: 08/28/2018)
01/15/2019	26	Mediation Certification by Michael Menard(AGW) (Entered: 01/15/2019)
01/16/2019	27	First MOTION for Extension of Time to File by Margarita Rossy.(Torre, Nelson) (Entered: 01/16/2019)
01/17/2019	28	TEXT ORDER granting 27 Motion for Extension of Time to File. Depositions completed by 5/24/2019; Plaintiff Expert Disclosures due by 6/28/2019; Defendant Expert Disclosures due by 7/26/2019; Discovery completed by 9/27/2019; Dispositive Motions due by 10/28/2019. If no dispositive motions are filed, a Status Conference is set for 11/19/2019 at 10:00 AM before the Hon. H. Kenneth Schroeder Jr. Mediation To End by 11/22/2019. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 1/17/2019. (HKG) (Entered: 01/17/2019)
01/17/2019		Set/Reset Hearings: Status Conference set for 11/19/2019 10:00 AM before Hon. H. Kenneth Schroeder Jr. (HKG) (Entered: 01/17/2019)
03/19/2019		Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Telephone Conference with counsel held on 3/19/2019. Court resolved dispute that arose during deposition. Appearances: Nelson Torre on behalf of plaintiff; Maeve Huggins and Derek Andrews on behalf of defendants. (LMG) (Entered: 03/19/2019)
04/08/2019	29	Mediation Certification by Michael Menard(AGW) (Entered: 04/08/2019)
05/13/2019	30	MOTION for Extension of Time to Complete Discovery , Third MOTION Extension of Time by Margarita Rossy.(Torre, Nelson) (Entered: 05/13/2019)
05/17/2019	31	TEXT ORDER granting 30 Motion for Extension of Time to Complete Discovery; granting 30 Motion. The request for an extension is granted as follows: depositions completed by 8/26/2019; plaintiff's expert identified by 9/26/2019; defense expert identified by 10/28/2019; dispositive motions filed by 12/27/2019. If no dispositive motions are filed, the parties shall appear before the undersigned on 1/28/2020 at 10 a.m. No further extensions shall be granted except for good cause shown. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 5/17/2019. (HKG) (Entered: 05/17/2019)
05/17/2019		Set/Reset Hearings: Status Conference set for 1/28/2020 10:00 AM before Hon. H. Kenneth Schroeder Jr. (HKG) (Entered: 05/17/2019)
05/24/2019		Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Telephone Conference with counsel held on 5/24/2019.Court resolved dispute that arose during deposition.Appearances: Nelson Torre on behalf of plaintiff; Maeve Huggins and Timothy Brennan on behalf of defendants. (KER) (Entered: 05/24/2019)
07/26/2019	32	MOTION to Compel , MOTION for Discovery by Margarita Rossy. (Attachments: # 1 Exhibit 1)(Torre, Nelson) (Entered: 07/26/2019)
07/29/2019	33	TEXT ORDER re 32 MOTION to Compel MOTION for Discovery filed by Margarita Rossy: Responses due by 8/30/2019., Replies due by 9/20/2019. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 7/29/2019. (KER) (Entered: 07/29/2019)
08/07/2019	34	Mediation Certification by Michael Menard(AGW) (Entered: 08/07/2019)

08/16/2019	35	MOTION for Extension of Time to Complete Discovery by Margarita Rossy.(Torre, Nelson) (Entered: 08/16/2019)
08/16/2019	36	TEXT ORDER granting 35 Motion for Extension of Time to Complete Discovery. An Amended Case Management Order will be issued following resolution of discovery motions. In the interim, the parties are instructed to proceed with any discovery that does not involve motion practice. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 8/16/2019. (KER) (Entered: 08/16/2019)
08/30/2019	37	MEMORANDUM in Opposition re 32 MOTION to Compel MOTION for Discovery filed by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Certificate of Service)(Huggins, Maeve) (Entered: 08/30/2019)
09/17/2019	38	REPLY MEMORANDUM by Margarita Rossy re 32 Motion to Compel.(Torre, Nelson) Modified on 9/18/2019 to correct title and terminate as a motion (SG). (Entered: 09/17/2019)
09/18/2019	39	TEXT ORDER re 38 MOTION to Compel filed by Margarita Rossy. Response due 11/1/2019. Reply due 11/22/2019. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 9/18/2019. (HKG) (Entered: 09/18/2019)
09/18/2019		E-Filing Notification: Document filed improperly as a motion. Court terminated motion and modified docket text to correctly reflect filing event. No action required. 38 REPLY to 32 Motion to Compel (SG) (Entered: 09/18/2019)
09/18/2019	40	TEXT ORDER upon the entry of the E-filing Notification, correcting the 38 Motion to Compel to a Reply Memorandum, the Court's 39 Text Order setting response and reply deadlines is hereby vacated.Issued by Hon. H. Kenneth Schroeder Jr. on 9/18/19. (SG) (Entered: 09/18/2019)
10/08/2019	41	Mediation Certification by Michael Menard. Mediation session adjourned to 1/10/20. (AGW) (Entered: 10/08/2019)
10/25/2019	42	MOTION to take depositions by Margarita Rossy (Attachments: # 1 Exhibit 1)(Torre, Nelson) Modified on 10/28/2019 to convert to motion (SG). (Entered: 10/25/2019)
10/28/2019		E-Filing Notification: Incorrect event used to electronically file document. For future reference, use (MOTION) event. No action required. 42 MOTION to Take Depositions (SG) (Entered: 10/28/2019)
11/13/2019	43	TEXT ORDER granting 42 Motion to Take Deposition from Gino Fresco, Mark Van Dusen, and Allan Morrison. Issued by Hon. H. Kenneth Schroeder Jr. on 11/13/2019. (HKG) (Entered: 11/13/2019)
11/13/2019	44	ORDER compelling the non-party deposition of Gino Fresco. Attorney for Plaintiff is directed to deliver the accompanying subpoena to the Office of the Clerk of the Court by 12/13/2019. SO ORDERED. Signed by Hon. H. Kenneth Schroeder Jr. on 11/13/2019. (HKG) -CLERK TO FOLLOW UP- (Entered: 11/13/2019)
11/13/2019	45	ORDER compelling the non-party deposition of Mark Van Dusen. Attorney for Plaintiff is directed to deliver the accompanying subpoena to the Office of the Clerk of the Court by 12/13/2019. Signed by Hon. H. Kenneth Schroeder Jr. on 11/13/2019. (HKG) -CLERK TO FOLLOW UP- (Entered: 11/13/2019)

11/13/2019	46	ORDER compelling the non-party deposition of Allan Morrison. Attorney for Plaintiff is directed to deliver the accompanying subpoena to the Office of the Clerk of the Court by 12/13/2019. Signed by Hon. H. Kenneth Schroeder Jr. on 11/13/2019. (HKG) -CLERK TO FOLLOW UP- (Entered: 11/13/2019)
11/20/2019		SUBPOENAS re 44 , 45 and 46 Orders issued and forwarded to U.S. Marshal. (SG) (Entered: 11/20/2019)
11/27/2019	47	RETURN OF SERVICE re subpoena executed as to Mark Van Dusen. (SG) (Entered: 12/03/2019)
11/27/2019	48	RETURN OF SERVICE re executed subpoena as to Gino Fresco. (SG) (Entered: 12/03/2019)
11/27/2019	49	RETURN OF SERVICE re executed subpoena as to Allan Morrison. (SG) (Entered: 12/03/2019)
01/10/2020	50	Mediation Certification by Michael Menard. Mediation session adjourned to 4/9/20. (AGW) (Entered: 01/10/2020)
01/27/2020	51	TEXT ORDER - the status conference previously scheduled for 1/28/2020 is hereby ADJOURNED until further notice. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 1/27/2020. (HKG) (Entered: 01/27/2020)
04/13/2020	52	Mediation Certification by Michael Menard. Mediation session adjourned to 6/29/20. (AGW) (Entered: 04/13/2020)
04/17/2020	53	Letter filed by American Medical Response as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda . (Brennan, Timothy) (Entered: 04/17/2020)
04/20/2020		E-Filing Notification: 53 Letter filed by American Medical Response as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda . (Brennan, Timothy). This document contains a request for relief and should be filed as a motion. ACTION REQUIRED: Re-file document using the motion event. (BK) (Entered: 04/20/2020)
04/20/2020	54	MOTION for Extension of Time to Complete Discovery by American Medical Response. (Brennan, Timothy) (Entered: 04/20/2020)
06/01/2020	55	DECISION AND ORDER granting in part and denying in part 32 Motion to Compel; granting in part and denying in part 32 Motion for Discovery. SO ORDERED. Signed by Hon. H. Kenneth Schroeder Jr. on 6/1/2020. (HKG) (Entered: 06/01/2020)
06/01/2020	56	TEXT ORDER granting 54 Motion for Extension of Time to Complete Discovery. Discovery shall be completed by 8/15/2020. Dispositive Motions due by 10/05/2020. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 6/1/2020. (HKG) (Entered: 06/01/2020)
06/01/2020	57	TEXT ORDER : If no dispositive motions are filed, a Status Conference is set for 10/7/2020 at 11:00 AM before the Hon. H. Kenneth Schroeder Jr. SO ORDERED. Issued by the Hon. H. Kenneth Schroeder Jr. on 6/1/2020. (LMG) (Entered: 06/01/2020)
06/24/2020	58	TEXT ORDER: A Status Conference with the Hon. H. Kenneth Schroeder, Jr. will be held by telephone on 6/26/2020 at 11:00 AM. Instructions for participating in the conference are as follows: Dial (866) 434-5269

		Access Code: 6142922# SO ORDERED. Issued by the Hon. H. Kenneth Schroeder Jr. on 6/24/2020. (LMG) (Entered: 06/24/2020)
06/26/2020	59	Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Status Conference with counsel held by telephone on 6/26/2020. Discovery issues discussed. Appearances: Nelson Torre on behalf of plaintiff; Maeve Huggins on behalf of City of Buffalo defendants; Timothy Brennan on behalf of American Medical Response.(LMG) (Entered: 06/26/2020)
07/13/2020	60	TEXT ORDER extending deadline to comply with 55 Order on Motion to Compel, Order on Motion for Discovery to 7/31/2020. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 7/13/2020. (KER) (Entered: 07/13/2020)
07/15/2020	61	Mediation Certification by Michael Menard. Mediation session adjourned to 10/14/20. (AGW) (Entered: 07/15/2020)
08/10/2020	62	MOTION for Extension of Time to Complete Discovery by Margarita Rossy.(Torre, Nelson) (Entered: 08/10/2020)
10/02/2020	63	DECISION AND ORDER re 32 MOTION to Compel MOTION for Discovery filed by Margarita Rossy. Defendants are directed to turn over COB In Camera Submission 0001-0009 and 0015-0023 to Plaintiff within one week of this Decision and Order. SO ORDERED. Signed by Hon. H. Kenneth Schroeder Jr. on 10/02/2020. (HKG) (Entered: 10/02/2020)
10/02/2020	64	TEXT ORDER granting 62 Motion for Extension of Time to Complete Discovery. The Case Management Order is amended as follows: All discovery, except expert disclosures, by 11/16/2020; Plaintiff Expert Witness ID due by 12/05/2020; Defendant Expert Witness ID due by 1/4/2021; Dispositive Motions due by 3/12/2021. If no Dispositive Motions are filed, a Status Conference is set for 4/5/2021 at 10:30 AM before the Hon. H. Kenneth Schroeder Jr. Mediation to continue. The status conference previously scheduled for 10/7/2020 is hereby CANCELED. SO ORDERED. Entered by Hon. H. Kenneth Schroeder Jr. on 10/02/2020. (HKG) (Entered: 10/02/2020)
10/02/2020		Set Deadlines/Hearings: Motions due by 3/12/2021. Set/Reset Hearings: Status Conference set for 4/5/2021 10:30 AM before Hon. H. Kenneth Schroeder Jr. (HKG) (Entered: 10/02/2020)
10/14/2020	65	Mediation Certification by Michael Menard. The case has not settled mediation complete. (See comments).(AGW) (Entered: 10/14/2020)
11/03/2020	66	TEXT ORDER setting Telephone Conference to address discovery issue for 11/6/2020 at 11:00 AM before Hon. H. Kenneth Schroeder Jr. Instructions to participate in the conference by telephone are as follows:Dial 1-866-434-5269Access Code: 6142922#Issued by Hon. H. Kenneth Schroeder Jr. on 11/3/2020. (KER) (Entered: 11/03/2020)
11/06/2020	67	Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Telephone Conference held with counsel on 11/6/2020. Discovery issues discussed and resolved. Court will grant the parties' request for an extension of time to complete discovery. Appearances: Nelson Torre on behalf of plaintiff; Maeve Huggins on behalf of City of Buffalo defendants; Timothy Brennan on behalf of American Medical Response. (LMG)

		(Entered: 11/06/2020)
11/11/2020	68	TEXT ORDER re 64 Order on Motion for Extension of Time to Complete Discovery. The letter request for an extension of the deadlines is hereby GRANTED. The deadlines are amended as follows: All discovery, except expert disclosures, by 1/29/2021; Plaintiff Expert Witness ID due by 3/1/2021; Defendant Expert Witness ID due by 4/1/2021; Dispositive Motions due by 5/3/2021. If no Dispositive Motions are filed, a Status Conference is set for 5/11/2021 at 10:30 AM before the Hon. H. Kenneth Schroeder Jr. Mediation to continue. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 11/11/2020. (HKG) (Entered: 11/11/2020)
11/11/2020		Set/Reset Hearings: Status Conference set for 5/11/2021 at 10:30 AM before Hon. H. Kenneth Schroeder Jr. in the event no motions are filed. (HKG) (Entered: 11/11/2020)
12/10/2020	69	STIPULATION by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Huggins, Maeve) (Entered: 12/10/2020)
12/10/2020	70	TEXT ORDER: The 69 Stipulated Protective Order is hereby SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 12/10/2020. (KER) (Entered: 12/10/2020)
01/29/2021	71	MOTION for Extension of Time to Complete Discovery by Margarita Rossy.(Torre, Nelson) (Entered: 01/29/2021)
02/01/2021	72	TEXT ORDER granting 71 Motion for Extension of Time to Complete Discovery: Fact discovery to be completed by 1/29/2021; Plaintiff's Expert disclosure by 4/15/2021; Defendants' Expert Disclosure by 5/15/2021; Dispositive Motions due by 5/15/2021. If dispositive motions are not filed, Status Conference is set for 6/22/2021 at 10:30 am before the Hon. H. Kenneth Schroeder, Jr. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 2/1/2021. (KER) (Entered: 02/01/2021)
04/05/2021	73	MOTION for Extension of Time to Complete Discovery by Margarita Rossy.(Torre, Nelson) (Entered: 04/05/2021)
04/05/2021	74	MOTION for Extension of Time to Complete Discovery <i>Amended</i> by Margarita Rossy. (Torre, Nelson) (Entered: 04/05/2021)
04/06/2021	75	TEXT ORDER terminating 73 Motion for Extension of Time to Complete Discovery; granting 74 Motion for Extension of Time to Complete Discovery: Plaintiff's Expert Disclosure due 6/15/2021; Defendants' Expert Disclosure due 7/15/2021; Dispositive Motions due 8/16/2021. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 4/6/2021. (KER) (Entered: 04/06/2021)
06/09/2021	76	MOTION for Extension of Time to Complete Discovery by Margarita Rossy.(Torre, Nelson) (Entered: 06/09/2021)
06/10/2021	77	TEXT ORDER granting 76 Motion for Extension of Time to Complete Discovery: Plaintiff's expert disclosure due by 8/16/2021; Defendants' expert disclosure due by 9/15/2021; Dispositive motions due by 10/15/2021. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 6/10/2021. (KER) (Entered: 06/10/2021)
06/11/2021	78	TEXT ORDER: If no dispositive motions are filed by 10/15/2021, a Status Conference will be held with the Hon. H. Kenneth Schroeder, Jr. on 10/19/2021 at 10:30 AM. The Status Conference previously set for 6/22/2021 at 10:00 AM is hereby cancelled. SO ORDERED. Issued by the Hon. H. Kenneth Schroeder Jr. on 6/11/2021. (LMG) (Entered: 06/11/2021)
08/01/2021	79	NOTICE of Appearance by Robert Emmet Quinn on behalf of Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin

		Tedesco(Buffalo Police Department P.O.) (Quinn, Robert) (Entered: 08/01/2021)
09/10/2021	80	Letter filed by American Medical Response(and its agents, servants and employees) as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda . (Brennan, Timothy) (Entered: 09/10/2021)
09/10/2021	81	TEXT ORDER granting 80 Letter Request filed by American Medical Response: Defendants' expert disclosure due by 10/15/2021; Dispositive motions due by 11/19/2021. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 9/10/2021. (KER) (Entered: 09/10/2021)
10/13/2021	82	Letter filed by American Medical Response as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda . (Brennan, Timothy) (Entered: 10/13/2021)
10/13/2021	83	TEXT ORDER extending deadline for defendants' expert disclosure to 10/30/2021; Dispositive Motions due by 12/3/2021. If dispositive motions are not filed, plaintiff shall contact the Court to set a status conference. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 10/13/2021. (KER) (Entered: 10/13/2021)
12/03/2021	84	Letter filed by City of Buffalo, Justin Tedesco, Joseph Acquino, Daniel Derenda as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda <i>Request for Extension of Time</i> . (Lee, David) (Entered: 12/03/2021)
12/03/2021	85	TEXT ORDER re 84 Letter filed by Daniel Derenda, Joseph Acquino, Justin Tedesco, City of Buffalo. The letter request for an extension of time in which to file dispositive motions is GRANTED. The deadline to file dispositive motions is hereby extended to 1/07/2022. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 12/03/2021. (HKG) (Entered: 12/03/2021)
12/03/2021	86	TEXT ORDER: If no dispositive motions are filed by 1/7/2022, a Status Conference will be held with the Hon. H. Kenneth Schroeder, Jr. on 1/12/2022 at 11:30 AM. SO ORDERED. Issued by the Hon. H. Kenneth Schroeder Jr. on 12/3/2021. (LMG) (Entered: 12/03/2021)
01/05/2022	87	Letter filed by Margarita Rossy as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda <i>for Extension of time of dispositive motions</i> . (Torre, Nelson) (Entered: 01/05/2022)
01/06/2022	88	NOTICE OF REMOVAL by Joseph Acquino, City of Buffalo, Daniel Derenda, Justin Tedesco (Huggins, Maeve) (Entered: 01/06/2022)
01/07/2022	89	TEXT ORDER re 87 Letter filed by Margarita Rossy: Deadline for dispositive motions is extended to 2/7/2022. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 1/7/2022. (KER) (Entered: 01/07/2022)
02/03/2022	90	Letter filed by Margarita Rossy as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda <i>for Extension of time of dispositive motions</i> . (Torre, Nelson) (Entered: 02/03/2022)
02/04/2022	91	TEXT ORDER re 90 Letter filed by Margarita Rossy: The deadline for filing of dispositive motions is extended to 3/7/2022. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 2/4/2022. (KER) (Entered: 02/04/2022)
03/02/2022	92	Letter filed by City of Buffalo, Justin Tedesco, Joseph Acquino, Daniel Derenda as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda <i>Requesting extension of time for filing dispositive motions</i> . (Lee, David) (Entered: 03/02/2022)

03/02/2022	93	TEXT ORDER extending deadline to file dispositive motions to 4/6/2022. Issued by Hon. H. Kenneth Schroeder Jr. on 3/2/2022. (KER) (Entered: 03/02/2022)
03/31/2022	94	First MOTION for Leave to File Excess Pages by Margarita Rossy.(Torre, Nelson) (Entered: 03/31/2022)
04/01/2022	95	TEXT ORDER granting 94 Motion for Leave to File Memorandum in Support of Motion for Summary Judgment Not to Exceed 30 Pages. Issued by Hon. H. Kenneth Schroeder Jr. on 4/1/2022. (KER) (Entered: 04/01/2022)
04/04/2022	96	Letter filed by City of Buffalo, Justin Tedesco, Joseph Acquino, Daniel Derenda as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda <i>Request for Exceed Page Limit</i> . (Lee, David) (Entered: 04/04/2022)
04/04/2022	97	TEXT ORDER granting 96 Letter Request filed by Daniel Derenda, Joseph Acquino, Justin Tedesco, City of Buffalo to file a memorandum of law not to exceed 50 pages. SO ORDERED. Issued by Hon. H. Kenneth Schroeder Jr. on 4/4/2022. (KER) (Entered: 04/04/2022)
04/04/2022	98	First MOTION for Summary Judgment by American Medical Response. (Attachments: # 1 Memorandum in Support, # 2 Statement of Undisputed Facts, # 3 Affidavit Attorney Affirmation in Support, # 4 Exhibit Exhibit A Complaint, # 5 Exhibit Exhibit B Answer, # 6 Exhibit Exhibit C - Buffalo Answer, # 7 Exhibit Exhibit D - Bradley Aff, # 8 Exhibit Exhibit E - Catanese Aff, # 9 Exhibit Exhibit F - Maloney Aff, # 10 Exhibit Exhibit G - CAD, # 11 Exhibit Exhibit H - 911 Transcript, # 12 Exhibit Exhibit I - PCR, # 13 Exhibit Exhibit J - Records, # 14 Exhibit Exhibit K - PCR, # 15 Exhibit Exhibit L - Tedesco EBT, # 16 Exhibit Exhibit M - Acquino EBT, # 17 Exhibit Exhibit N - Tedesco Statement, # 18 Exhibit Exhibit O - Report, # 19 Exhibit Exhibit P - Collier Statement, # 20 Exhibit Exhibit Q - EBT of Bosley, # 21 Exhibit Exhibit R Rose Statement, # 22 Exhibit Exhibit S - Hy EBT, # 23 Exhibit Exhibit T - Middlebrooks Statement, # 24 Exhibit Exhibit U - Rivera EBT, # 25 Exhibit Exhibit V - Video (sent on thumb drive), # 26 Exhibit Exhibit W - Report, # 27 Affidavit Affidavit of Service)(Brennan, Timothy) (Entered: 04/04/2022)
04/06/2022	99	MOTION for Summary Judgment <i>against AMR</i> by Margarita Rossy.(Torre, Nelson) (Entered: 04/06/2022)
04/06/2022	100	STATEMENT OF FACTS <i>Undisputed</i> by Margarita Rossy. (Torre, Nelson) (Entered: 04/06/2022)
04/06/2022	101	MEMORANDUM IN SUPPORT re 99 MOTION for Summary Judgment <i>against AMR</i> , 100 Statement of Facts byMargarita Rossy. (Torre, Nelson) (Entered: 04/06/2022)
04/06/2022	102	DECLARATION in Support re 99 MOTION for Summary Judgment <i>against AMR</i> filed by Margarita Rossy. (Attachments: # 1 Exhibit CAD report, # 2 Exhibit 911 Calls, Police radio Transmission & Ambulance Dispatch transmission, # 3 Exhibit Civilian 911 Call transcript, # 4 Exhibit AMR Ambulance record- Rossy, # 5 Exhibit Kenmore Mercy ER records-Rossy, # 6 Exhibit Surveillance video, # 7 Exhibit Surveillance video report, Det. Redmond, # 8 Exhibit Surveillance video timeline of events, # 9 Exhibit Photo- first buffalo police arrival, # 10 Exhibit Photo-PO Hy arrival, # 11 Exhibit Photo-BPD Tedesco in front of 568 Tonawanda, # 12 Exhibit Photo-Buffalo Fire Department arrival, # 13 Exhibit Photo- First AMR ambulance arrival, # 14 Exhibit Photo- First AMR leaving, # 15 Exhibit Photo- First AMR turn west onto Garfield, # 16 Exhibit Photo- Second AMR ambulance arrival, # 17 Exhibit Photo- AMR paramedics arriving in driveway, # 18 Exhibit Photo-AMR stretcher arriving in the driveway, # 19 Exhibit Photo-AMR ambulance moving in reverse, # 20 Exhibit Photo- BPD officer moves AMR-2 for AMR-1 to pass, # 21 Exhibit Photo- AMR paramedics removing Mr. Rossy, # 22 Exhibit

		Facebook video showing AMR at scene, # 23 Exhibit Plaintiff's expert report, # 24 Exhibit Autopsy Report-Rossy, Erie County Medical Examiner's Office, # 25 Exhibit Autopsy Report- Dr. Gerard A. Catanese, # 26 Exhibit Autopsy Addendum, Dr. Gerard A. Catanese, # 27 Exhibit CV-Dr. Gerard A. Catanese, # 28 Exhibit Photo-564 Tonawanda St., # 29 Exhibit Carly Collier Statement, # 30 Exhibit PO Rivera EBT I, # 31 Exhibit PO Rivera EBT II, # 32 Exhibit PO Hy EBT I, # 33 Exhibit PO Hy EBT II, # 34 Exhibit Deposition AMR Paramedic Bosley, # 35 Exhibit Deposition AMR Fatta, # 36 Exhibit Death Certificate, # 37 Exhibit Crime scene diagram, BPD)(Torre, Nelson) Modified on 4/7/2022 to correct title (SG). (Entered: 04/06/2022)
04/06/2022	103	MOTION for Summary Judgment <i>against City of Buffalo, BUFFALO POLICE DEPARTMENT P.O. JUSTIN TEDESCO, BUFFALO POLICE DEPARTMENT P.O. JOSEPH ACQUINO, and POLICE COMMISSIONER DANIEL DERENDA</i> by Margarita Rossy.(Torre, Nelson) Modified on 4/7/2022 to add additional defendants (SG). (Entered: 04/06/2022)
04/06/2022	104	STATEMENT OF FACTS <i>Undisputed Material</i> by Margarita Rossy Related document: 103 Motion for Summary Judgment. (Torre, Nelson) (Entered: 04/06/2022)
04/06/2022	105	MEMORANDUM in Support re 103 MOTION for Summary Judgment <i>against City of Buffalo, BUFFALO POLICE DEPARTMENT P.O. JUSTIN TEDESCO, BUFFALO POLICE DEPARTMENT P.O. JOSEPH ACQUINO, and POLICE COMMISSIONER DANIEL DERENDA</i> , filed by Margarita Rossy. (Torre, Nelson) Modified on 4/7/2022 to add defendants (SG). (Entered: 04/06/2022)
04/06/2022	106	AFFIDAVIT in Support re 103 MOTION for Summary Judgment <i>against City of Buffalo</i> filed by Margarita Rossy. (Attachments: # 1 Exhibit CAD report from BPD, # 2 Exhibit CAD report from Erie County CPS, # 3 Exhibit Middlebrooks transcript & 911 call, # 4 Exhibit Olivera transcript & 911 call, # 5 Exhibit Hudson transcript & 911 call, # 6 Exhibit Gelz transcript & 911 call, # 7 Exhibit Ortiz transcript & 911 call, # 8 Exhibit Collier transcript & 911 call, # 9 Exhibit Police radio transmission & transcript, # 10 Exhibit PO Acquino CD & transcript, # 11 Exhibit PO Acquino EBT, # 12 Exhibit PO Tedesco CD & transcript, # 13 Exhibit PO Tedesco EBT, # 14 Exhibit Rossy 50-h, # 15 Exhibit Ortiz Statement, # 16 Exhibit Ortiz EBT, # 17 Exhibit Fresco Statement, # 18 Exhibit Fresco EBT, # 19 Exhibit Best Statement I, # 20 Exhibit Best Statement II, # 21 Exhibit VanDusen Statement, # 22 Exhibit VanDusen EBT, # 23 Exhibit Morrison Statement, # 24 Exhibit Morrison EBT, # 25 Exhibit Mendez Statement, # 26 Exhibit PO Hy EBT I, # 27 Exhibit PO Hy EBT II, # 28 Exhibit PO Rivera EBT I, # 29 Exhibit PO Rivera EBT II, # 30 Exhibit BPD Manual- Car stop & pursuits, # 31 Exhibit BPD manual- evidence, # 32 Exhibit BPD manual- Use of force, # 33 Exhibit Kenmore Mercy ER record, # 34 Exhibit AMR Ambulance- Rossy, # 35 Exhibit Photo 2011 Acura, # 36 Exhibit Photo CSU Garfield and Hartman, # 37 Exhibit Photo CSU SE corner Garfield and Hartman, # 38 Exhibit Photo CSU Unit 164 driver side, # 39 Exhibit Photo CSU Unit 164 front end, # 40 Exhibit Photo CSU Unit 164 facing Northeast on Garfield, # 41 Exhibit Photo re-create scene, # 42 Exhibit Photo scene re-create, # 43 Exhibit Scene re-create Diagram & report, # 44 Exhibit CSU photo driver side Acura MDX, # 45 Exhibit CSU photo driver side Acura, # 46 Exhibit CSU photo front end Acura, # 47 Exhibit MV-104A, # 48 Exhibit Crime scene diagram, BPD, # 49 Exhibit Cell video still photo, # 50 Exhibit Cell video still photo, # 51 Exhibit Cell video still photo, # 52 Exhibit Cell video still photo, # 53 Exhibit Cell video still photo, # 54 Exhibit Cell video still photo, # 55 Exhibit Cell video still photo, # 56 Exhibit Cell video still photo, # 57 Exhibit Olivera cellphone video, # 58 Exhibit Acquino, DMV records 02-25-14, # 59 Exhibit Photo Grace St. and East St., # 60 Exhibit BPD P-31 & Incident 2-25-14, # 61 Exhibit CPS DNA report, # 62 Exhibit Photo CSU Housing Unit 164 N.E., # 63 Exhibit Acquino AMR & ECMC recs., # 64 Exhibit Acquino Stmt - hand position, # 65 Exhibit Acquino Stmt - head position, # 66 Exhibit WGRZ photo, Housing Unit 164, # 67 Exhibit CSU photo,

		Housing Unit 164, # 68 Exhibit Liz Brennan, Stmt., # 69 Exhibit Kirkham Expert Report, # 70 Exhibit Dr. Belles interview 05-09-17, # 71 Exhibit Tedesco, 5 Tickets 02-15-2014, # 72 Exhibit Autopsy Report, # 73 Exhibit Dr. Le interview 05-11-17, # 74 Exhibit Housing Unit 164, # 75 Exhibit Surveillance video 568 Ton. St., # 76 Exhibit IAD Defendant Acquino, # 77 Exhibit IAD records Tedesco, # 78 Exhibit OAG Report, # 79 Exhibit Acquino injury, # 80 Exhibit Photo Tedesco Stmt 5-15-17, # 81 Exhibit Carly Collier statement, # 82 Exhibit BPD Det. Redmond report, # 83 Exhibit First officers 568 Ton. St., # 84 Exhibit AMR 1st unit arrives, # 85 Exhibit AMR 2nd unit arrives, # 86 Exhibit AMR removing Mr. Rossy, # 87 Exhibit Death Certificate)(Torre, Nelson) (Entered: 04/06/2022)
04/06/2022	107	First MOTION for Summary Judgment by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Attachments: # 1 Memorandum in Support, # 2 Statement of Undisputed Facts, # 3 Declaration, # 4 Exhibit A, # 5 Exhibit B, # 6 Exhibit C, # 7 Exhibit D, # 8 Exhibit E, # 9 Exhibit F, # 10 Exhibit G, # 11 Exhibit H, # 12 Exhibit I, # 13 Exhibit J, # 14 Exhibit K, # 15 Exhibit L, # 16 Exhibit M, # 17 Exhibit N, # 18 Exhibit O, # 19 Exhibit P, # 20 Exhibit Q, # 21 Exhibit R, # 22 Exhibit S, # 23 Exhibit T, # 24 Exhibit U, # 25 Exhibit V, # 26 Exhibit W, # 27 Exhibit X, # 28 Exhibit Y, # 29 Exhibit Z, # 30 Exhibit AA, # 31 Exhibit BB, # 32 Exhibit CC, # 33 Exhibit DD, # 34 Exhibit EE, # 35 Exhibit FF, # 36 Certificate of Service)(Quinn, Robert) (Entered: 04/06/2022)
04/07/2022		E-Filing Notification: 102 DECLARATION in Support re 99 MOTION for Summary Judgment <i>against</i> AMR filed by Margarita Rossy. Modified on 4/7/2022 to correct title (SG). (SG) (Entered: 04/07/2022)
04/07/2022		E-Filing Notification: Incorrect event used to electronically file document. For future reference, use (Declaration) event. No action required. 102 DECLARATION in Support re 99 MOTION for Summary Judgment Modified on 4/7/2022 to correct title (SG). (SG) (Entered: 04/07/2022)
04/07/2022		E-Filing Notification: 105 MEMORANDUM in Support Modified on 4/7/2022 to add defendants. Attorney is directed to choose all applicable parties on future filings (SG). (SG) (Entered: 04/07/2022)
04/07/2022	108	SCHEDULING NOTICE on 98 99 103 107 Motions for Summary Judgment. Responses due by 5/5/2022. Replies due by 5/19/2022. Oral Argument will be scheduled by the Court, if necessary. (JCM) (Entered: 04/07/2022)
04/28/2022	109	Letter filed by American Medical Response as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda . (Brennan, Timothy) (Entered: 04/28/2022)
04/28/2022		E-Filing Notification: 109 Letter; this document contains a request for relief and should be filed as a motion. ACTION REQUIRED: Re-file document using the motion event. (JLV) (Entered: 04/28/2022)
04/28/2022	110	MOTION for Extension of Time to File Response/Reply as to 108 Set/Reset Motion and R&R Deadlines/Hearings, 103 MOTION for Summary Judgment <i>against</i> City of Buffalo, 107 First MOTION for Summary Judgment , 99 MOTION for Summary Judgment <i>against</i> AMR, 98 First MOTION for Summary Judgment by American Medical Response. (Brennan, Timothy) (Entered: 04/28/2022)
04/29/2022	111	NOTICE of Appearance by David M. Lee on behalf of Joseph Acquino, City of Buffalo, Daniel Derenda, Justin Tedesco (Lee, David) (Entered: 04/29/2022)
05/03/2022		E-Filing Notification: 110 MOTION for Extension of Time to File Response/Reply; Judge Skretny does not accept letters electronically filed or in paper form unless it is

		pursuant to Local Rule of Civil Procedure 7. (JLV) (Entered: 05/03/2022)
05/03/2022	112	MOTION for Extension of Time to File Response/Reply as to 103 MOTION for Summary Judgment <i>against City of Buffalo</i> , 99 MOTION for Summary Judgment <i>against AMR</i> , 98 First MOTION for Summary Judgment , 104 Statement of Facts, 105 Memorandum in Support of Motion, 106 Affidavit in Support of Motion,,,,,,,,,,,,, 107 First MOTION for Summary Judgment , 100 Statement of Facts, 102 Affidavit in Support of Motion,,,,,,,,, 101 Memorandum in Support by American Medical Response. (Attachments: # 1 Affidavit)(Brennan, Timothy) (Entered: 05/03/2022)
05/03/2022	113	TEXT ORDER -- IT HEREBY IS ORDERED, that Defendant AMR's unopposed 112 Motion to extend the time for all parties to respond to the 98 99 103 107 Motions for Summary Judgment is GRANTED. Responses are now due June 6, 2022. Replies, if any, are now due June 20, 2022. SO ORDERED. Issued by William M. Skretny, United States District Judge on 5/3/2022. (JCM) (Entered: 05/03/2022)
06/06/2022	114	AFFIDAVIT in Opposition re 99 MOTION for Summary Judgment <i>against AMR</i> filed by American Medical Response. (Brennan, Timothy) (Entered: 06/06/2022)
06/06/2022	115	MEMORANDUM in Opposition re 99 MOTION for Summary Judgment <i>against AMR</i> filed by American Medical Response. (Attachments: # 1 Statement of Undisputed Facts Response to Statement of Facts)(Brennan, Timothy) (Entered: 06/06/2022)
06/06/2022	116	RESPONSE in Opposition re 98 First MOTION for Summary Judgment filed by Margarita Rossy. (Attachments: # 1 Exhibit, # 2 Exhibit)(Torre, Nelson) (Entered: 06/06/2022)
06/06/2022	117	MEMORANDUM in Opposition re 98 First MOTION for Summary Judgment filed by Margarita Rossy. (Torre, Nelson) (Entered: 06/06/2022)
06/06/2022	118	MEMORANDUM in Opposition re 103 MOTION for Summary Judgment <i>against City of Buffalo</i> filed by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Attachments: # 1 Statement of Undisputed Facts, # 2 Certificate of Service)(Quinn, Robert) (Entered: 06/06/2022)
06/06/2022	119	RESPONSE in Opposition re 107 First MOTION for Summary Judgment filed by Margarita Rossy. (Torre, Nelson) (Entered: 06/06/2022)
06/06/2022	120	DECLARATION filed by Margarita Rossy filed by Margarita Rossy. (Torre, Nelson) (Entered: 06/06/2022)
06/06/2022	121	MEMORANDUM in Opposition re 107 First MOTION for Summary Judgment <i>of defendant City</i> filed by Margarita Rossy. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit)(Torre, Nelson) (Entered: 06/06/2022)
06/07/2022	122	CERTIFICATE OF SERVICE by Margarita Rossy re 116 Response in Opposition to Motion (Torre, Nelson) (Entered: 06/07/2022)
06/07/2022	123	CERTIFICATE OF SERVICE by Margarita Rossy re 117 Memorandum in Opposition to Motion (Torre, Nelson) (Entered: 06/07/2022)
06/07/2022	124	CERTIFICATE OF SERVICE by Margarita Rossy re 119 Response in Opposition to Motion (Torre, Nelson) (Entered: 06/07/2022)
06/07/2022	125	CERTIFICATE OF SERVICE by Margarita Rossy re 120 Declaration (Torre, Nelson) (Entered: 06/07/2022)

06/07/2022	126	CERTIFICATE OF SERVICE by Margarita Rossy re 121 Memorandum in Opposition to Motion, (Torre, Nelson) (Entered: 06/07/2022)
06/10/2022	127	NOTICE OF MANUAL FILING- CD received from attorney Nelson Torre re [116-1]. (JLV) (Entered: 06/10/2022)
06/14/2022	128	NOTICE OF MANUAL FILING- Binder received from attorney Nelson Torre with CD's re 102 Exhibit #2 and #6. (JLV) (Entered: 06/14/2022)
06/14/2022	129	NOTICE OF MANUAL FILING-Binder received from attorney Nelson Torre with CD's re 106 Exhibit #3, Exhibit #4, Exhibit #5, Exhibit #6, Exhibit #7, Exhibit #8, Exhibit #9, Exhibit #10, Exhibit #12, Exhibit #57, Exhibit #75, Exhibit #76, Exhibit #77. (JLV) (Entered: 06/14/2022)
06/20/2022	130	REPLY/RESPONSE to re 116 Response in Opposition to Motion, 98 First MOTION for Summary Judgment filed by American Medical Response. (Attachments: # 1 Memorandum in Support, # 2 Certificate of Service)(Brennan, Timothy) (Entered: 06/20/2022)
06/20/2022	131	REPLY to Response to Motion re 107 First MOTION for Summary Judgment filed by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Attachments: # 1 Certificate of Service)(Quinn, Robert) (Entered: 06/20/2022)
06/20/2022	132	REPLY/RESPONSE to re 118 Memorandum in Opposition to Motion, re 103 Motion for Summary Judgment filed by Margarita Rossy. (Attachments: # 1 Affidavit Expert Report) (Torre, Nelson) (Entered: 06/20/2022)
06/20/2022	133	REPLY to Response to Motion re 99 MOTION for Summary Judgment <i>against AMR</i> filed by Margarita Rossy. (Attachments: # 1 Affidavit Physician, # 2 Affidavit Expert) (Torre, Nelson) (Entered: 06/20/2022)
07/07/2022	134	First MOTION for Leave to File <i>Sur-Reply</i> by American Medical Response. (Attachments: # 1 Affidavit in Support, # 2 Exhibit FOIL)(Brennan, Timothy) (Entered: 07/07/2022)
07/08/2022	135	<p style="text-align: center;">TEXT ORDER</p> <p>Before this Court is Defendant American Medical Response, Inc.'s ("AMR") 134 Motion for leave to file a sur-reply. AMR asserts that it makes this motion for the sole purpose of placing before the Court a recently-received response to a FOIL request regarding the qualifications of Plaintiff's Expert Adin Bradley.</p> <p>IT HEREBY IS ORDERED, that Defendant AMR's 134 Motion is GRANTED to the extent that AMR may submit the FOIL response into the record. Because any further briefing on the question of Mr. Bradley's qualifications as an expert appears cumulative, AMR's motion is DENIED to the extent that it seeks leave to further brief this issue.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, United States District Judge on 7/8/2022. (JCM) (Entered: 07/08/2022)</p>
02/21/2023	136	Letter filed by Margarita Rossy as to City of Buffalo, American Medical Response, Justin Tedesco, Joseph Acquino, Daniel Derenda . (Torre, Nelson) (Entered: 02/21/2023)
02/22/2023		E-Filing Notification: re 136 Letter. Judge Skretny does not accept letters electronically filed or in paper form unless it is pursuant to Local Rule of Civil Procedure 7. (CGJ)

		(Entered: 02/22/2023)
02/23/2023	137	TEXT ORDER -- IT HEREBY IS ORDERED, that Plaintiff shall file a Motion seeking leave to submit additional materials sought in the letter filed (Docket No. 136) by March 9, 2023; if she does so, Defendants may respond by March 23, 2023. SO ORDERED. Issued by William M. Skretny, United States District Judge on 2/23/2023. (JCM) (Entered: 02/23/2023)
03/08/2023	138	MOTION for Discovery <i>Evidence</i> by Margarita Rossy.(Torre, Nelson) (Entered: 03/08/2023)
03/08/2023	139	DECLARATION re 138 MOTION for Discovery <i>Evidence</i> filed by Margarita Rossy . (Attachments: # 1 Exhibit 1-Plaintiff Document Demand, # 2 Exhibit 2-Declaration of Krugman, # 3 Exhibit 3-Total Tickets issued, # 4 Exhibit 4-Total Tinted Window Tickets, # 5 Exhibit 5-Average tickets per Incident)(Torre, Nelson) (Entered: 03/08/2023)
03/23/2023	140	RESPONSE in Opposition re 138 MOTION for Discovery <i>Evidence</i> filed by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Attachments: # 1 Declaration, # 2 Exhibit A)(Quinn, Robert) (Entered: 03/23/2023)
04/07/2023	141	<p style="text-align: center;">TEXT ORDER</p> <p>IT HEREBY IS ORDERED, that Plaintiff's Motion (Docket No. 138) for leave to supplement her Motion for Summary Judgment (Docket No. 103) and her opposition to the City Defendants' Motion for Summary Judgment (Docket No. 107) is DENIED.</p> <p>This Court has discretion to set the briefing schedule for motions and may decline reopening motion practice to allow further submissions or grant leave to permit sur-reply, W.D.N.Y. Loc. Civ. R. 7(b)(1), (a)(6); see <u>In re Vitamin C Antitrust Litig.</u>, No. 06-MD-1738(BMC)(JO), 2013 WL 635740, at *2 (E.D.N.Y. Feb. 20, 2013); <u>Barbour v. Colvin</u>, 993 F. Supp. 2d 284, 287 (E.D.N.Y. 2014).</p> <p>Plaintiff's proffered exhibits-summaries of traffic tickets issued by officers (including a Defendant in the present case) and the ethnicity or race of the person ticketed generated by an attorney in another pending case-are untimely under the original scheduling Order (Docket No. 108). If seen as a sur-reply, these exhibits do not address any new arguments Defendants raise requiring refutation. These summary exhibits also are compilations from plaintiffs' counsel in another case pending in this Court. They are not admissible evidence but are merely an attorney's allegations and hearsay. As proponent for these summary exhibits, Plaintiff furthermore bears the burden of offering the underlying evidence in support of the summaries and showing that this material is admissible. Plaintiff has not done that here. This Court declines to grant leave to file these exhibits or reopen briefing for these Motions for Summary Judgment.</p> <p>Upon the papers submitted prior to this Motion for Leave to supplement, the pending Motions for Summary Judgment (Docket Nos. 107, 103) are deemed submitted.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, United States District Judge on 4/7/2023. (JCM) (Entered: 04/07/2023)</p>
09/05/2023	142	<p style="text-align: center;">DECISION AND ORDER</p> <p>IT HEREBY IS ORDERED, that the City Defendants' Motion for Summary Judgment (Docket No. 107) is GRANTED IN PART and DENIED IN PART, consistent with this</p>

		<p>decision.</p> <p>FURTHER, that Plaintiff's Motion for Summary Judgment (Docket No. 103) is DENIED.,</p> <p>FURTHER, that this case is REFERRED for alternative dispute resolution under Section 2.1.B of the Plan for Alternative Dispute Resolution in the United States District Court for the Western District of New York ("the ADR Plan").</p> <p>FURTHER, that the parties shall comply with all relevant requirements of the ADR Plan, which is available at http://www.nywd.uscourts.gov.</p> <p>FURTHER, that the parties are directed to re-engage in mediation with Mediator Michael Menard or another federal-court mediator upon whom they might agree.</p> <p>FURTHER, that the parties shall conclude their mediation efforts by October 31, 2023.</p> <p>FURTHER, that the parties must explore consent to proceeding before a magistrate judge in accordance with 28 U.S.C. § 636 (c). The consent form is available at https://www.nywd.uscourts.gov/forms-3. The consent process is set forth in Loc. R. Civ. P. 73. The parties are, of course, free to withhold consent without adverse substantive consequences. See Fed. R. Civ. P. 73 (b)(2).</p> <p>FURTHER, that the parties must file a joint written notice concerning the status of mediation and consent by November 14, 2023.</p> <p>SO ORDERED.</p> <p>Signed by William M. Skretny, United States District Judge on 9/5/2023. (JCM) (Entered: 09/05/2023)</p>
09/05/2023	143	<p>DECISION AND ORDER</p> <p>IT HEREBY IS ORDERED, that AMR's Motion for Summary Judgment (Docket No. 98) is GRANTED IN PART and DENIED IN PART, consistent with this decision.</p> <p>FURTHER, that Plaintiff's Motion for Summary Judgment (Docket No. 99) is DENIED.</p> <p>FURTHER, that the parties must adhere to this Court's Orders concerning alternate dispute resolution, consent to magistrate judge jurisdiction, and the filing of a written status report set forth in the companion decision filed contemporaneously herewith (Docket No. 142).</p> <p>SO ORDERED.</p> <p>Signed by William M. Skretny, United States District Judge on 9/5/2023. (JCM) (Entered: 09/05/2023)</p>
09/19/2023	144	<p>First MOTION for Reconsideration re 142 Decision and Order,,,,,, Terminate Motions,,,,, by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Attachments: # 1 Memorandum in Support)(Quinn, Robert) (Entered: 09/19/2023)</p>
09/20/2023	145	<p>SCHEDULING NOTICE on 144 Motion for Reconsideration. Response due by 10/4/2023. Reply due by 10/11/2023. Oral Argument will be scheduled by the Court, if necessary. (JCM) (Entered: 09/20/2023)</p>

10/04/2023	146	MEMORANDUM in Opposition re 144 First MOTION for Reconsideration re 142 Decision and Order,,,,,, Terminate Motions,,,,,, filed by Margarita Rossy. (Torre, Nelson) (Entered: 10/04/2023)
10/05/2023	147	NOTICE OF INTERLOCUTORY APPEAL as to 142 Decision and Order,,,,,, Terminate Motions,,,,,, by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). Filing fee \$ 505, receipt number ANYWDC-4994633. Appeal Record due by 10/19/2023. (Quinn, Robert) (Entered: 10/05/2023)
10/05/2023	148	NOTICE OF INTERLOCUTORY APPEAL as to 142 Decision and Order,,,,,, Terminate Motions,,,,,, by Margarita Rossy. Filing fee \$ 505, receipt number ANYWDC-4994710. Appeal Record due by 10/19/2023. (Torre, Nelson) (Entered: 10/05/2023)
10/06/2023		Pursuant to Local Rule 12.1 of the US Court of Appeals for the Second Circuit, Forms C and D must be completed within 14 days after the filing of a notice of appeal. Forms C and D can be obtained at www.ca2.uscourts.gov. (CGJ) (Entered: 10/06/2023)
10/06/2023		Within 14 days of filing the Notice of Appeal, the appellant is required to electronically file with the District Court an index of filed documents it wishes the Court of Appeals to consider, called Designation of Record on Appeal. After receipt, the Clerks Office will certify and transmit the index to the Circuit. (CGJ) (Entered: 10/06/2023)
10/11/2023	149	REPLY to Response to Motion re 144 First MOTION for Reconsideration re 142 Decision and Order,,,,,, Terminate Motions,,,,,, filed by Joseph Acquino, City of Buffalo, Daniel Derenda(Individually and in their representative capacities), Justin Tedesco(Buffalo Polie Department P.O.). (Quinn, Robert) (Entered: 10/11/2023)
10/19/2023	150	Mediation Certification by Michael Menard. The case has not settled mediation will continue on 10/31/2023.(Menard, Michael) (Entered: 10/19/2023)
10/20/2023	151	<p style="text-align: center;">TEXT ORDER</p> <p>On September 5, 2023, this Court 142 resolved the City Defendants' and Plaintiff's motions for summary judgment. See <u>Rossy v. City of Buffalo</u>, 17-CV-937S, 2023 WL 5725283 (W.D.N.Y. Sept. 5, 2023). As relevant here, this Court denied the City Defendants' request for qualified immunity, finding that disputed issues of material fact precluded such relief at this stage. <u>Id.</u> at *9. Two weeks later, the City Defendants 144 moved for reconsideration of this Court's qualified-immunity determination. Shortly thereafter, they filed a 147 Notice of Interlocutory Appeal from the denial of their motion for summary judgment based on qualified immunity.</p> <p>"The filing of a notice of appeal is an event of jurisdictional significanceit confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." <u>Griggs v. Provident Consumer Disc. Co.</u>, 459 U.S. 56, 58, 103 S. Ct. 400, 74 L. Ed. 2d 225 (1982) (per curiam); see also <u>Coinbase, Inc. v. Bielski</u>, __ U.S. __, 143 S. Ct. 1915, 1919, 216 L. Ed. 2d 671 (2023) (reiterating the <u>Griggs</u> principle). Once a Notice of Appeal is filed, the district court is precluded from ruling "on any motion affecting an aspect of the case that [is] before [the appellate court]... while that appeal [is] pending." <u>Hom Sui Ching v. United States</u>, 298 F.3d 174, 180 n. 5 (2d Cir. 2002).</p> <p>As it relates specifically to qualified immunity, the filing of an interlocutory appeal divests the district court of jurisdiction. See <u>Harlow v. Fitzgerald</u>, 457 U.S. 800, 818, 102 S. Ct. 2727, 73 L. Ed. 2d 396 (1982); <u>Williams v. Brooks</u>, 996 F.2d 728, 730 n. 2 (5th Cir. 1993) (per curiam) ("the traditional rule that the filing of a notice of appeal divests a district court of jurisdiction... applies with particular force in the immunity context");</p>

		<p><u>Chuman v. Wright</u>, 960 F.2d 104, 105 (9th Cir. 1992) (per curiam); <u>Hallock v. Bonner</u>, No. 03-CV-195 (DNH/DRH), 2003 WL 22519644, at *2 (N.D.N.Y. Nov. 4, 2003) (noting in the qualified immunity context that "the filing of a notice of interlocutory appeal divests the district court of jurisdiction").</p> <p>Here, the City Defendants seek reconsideration of the same qualified immunity issues that they raise in their Notice of Interlocutory Appeal. The Notice of Interlocutory Appeal thus divests this Court of jurisdiction to rule on the motion for reconsideration. <u>See Hom Sui Ching</u>, 298 F.2d at 180 n. 5. The motion must therefore be denied for lack of jurisdiction.</p> <p>IT HEREBY IS ORDERED, that the City Defendants' 144 Motion for Reconsideration is DENIED for lack of jurisdiction.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, United States District Judge on 10/20/2023. (JCM) (Entered: 10/20/2023)</p>
11/08/2023	152	DESIGNATION of Record on Appeal by Margarita Rossy re 148 Notice of Interlocutory Appeal CLERK TO FOLLOW UP (Torre, Nelson) (Entered: 11/08/2023)
11/09/2023	153	CLERKS CERTIFICATE filed and electronically sent to Court of Appeals. (JLV) (Entered: 11/09/2023)

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